

## CITY OF ALAMEDA

### Memorandum

To: Honorable Mayor and  
Members of the City Council

Honorable Chair and  
Members of the Alameda Reuse and Redevelopment Authority

From: Lisa Goldman  
Acting City Manager/Acting Executive Director

Date: March 15, 2011

Re: Adopt a Resolution Authorizing the Acting City Manager and the Acting Executive Director to Execute the Joint Exercise of Powers Agreement to Inspect, Operate, and Maintain the Alameda Point Water System in Preparation for Transfer of Potable Water Infrastructure with East Bay Municipal Utility District

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### BACKGROUND

In 1997, the City entered into a Joint Exercise of Powers Agreement (JPA) with East Bay Municipal Utility District (EBMUD) for the operation and maintenance of the water distribution facilities at Alameda Point. This agreement has been amended several times, most recently in 2010, and is due to expire March 31, 2011. The revised JPA adds the Alameda Reuse and Redevelopment Authority (ARRA) as a signatory.

### DISCUSSION

The City of Alameda does not have in-house expertise to operate and maintain the water distribution facilities at Alameda Point. Since 1997, EBMUD has performed this work on behalf of the ARRA through a JPA. The ARRA compensates EBMUD for all associated costs, but requires that EBMUD obtain prior approval for any routine operations, maintenance, or emergency work that exceeds a specified capped dollar amount. As proposed, the capped dollar amounts for routine operations/maintenance work and emergency work are set at the same amount as the prior amendment, \$7,000 per month and \$30,000 per incident, respectively, for the first year of the JPA. The cap will increase annually by the Bureau of Labor Statistics Consumer Price Index for Urban Wage Earners and Clerical Workers monthly (CPI-W) for the San Francisco/Oakland/San Jose regions or by five percent, whichever is greater. If approved, the JPA will enable EBMUD to continue to operate and maintain the Alameda Point water distribution facilities for ARRA until March 31, 2016. A copy of the JPA is on file with the City Clerk's office.

**CC/ARRA/CIC**  
**Agenda Item #2-B**  
**03-15-11**

Honorable Mayor and Members of the City Council  
Honorable Chair and Members of the ARRA

March 15, 2011  
Page 2 of 2

The proposed JPA requires the City/ARRA to maintain specified types of insurance and provide an indemnity, similar to the requirements of the prior JPA. The level of general insurance has increased, and the ARRA/City will be naming EBMUD as an additional insured on the pollution legal liability policy. The City/ARRA is obligated under the proposed JPA to timely share information on environmental remediation and development plans for Alameda Point, and provide notification to tenants that they are not direct customers of EBMUD. The City/ARRA must also ensure that new water services are installed in accordance with EBMUD standards.

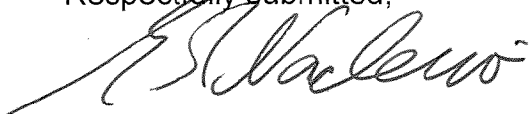
#### FINANCIAL IMPACT

The City will compensate EBMUD for its actual costs to perform operations and maintenance activity, and related services. This work is funded by Alameda Point Lease Revenues. There is no impact to the General Fund as a result of this action.

#### RECOMMENDATION

Adopt a resolution authorizing the Acting City Manager and the Acting Executive Director to execute the JPA to inspect, operate, and maintain the Alameda Point water system in preparation for transfer of potable water infrastructure with EBMUD.

Respectfully submitted,



Matthew T. Naclerio  
Public Works Director

Approved as to funds and account,



Fred Marsh  
Controller

MTN:gc

Exhibit:

1. Joint Exercise of Powers Agreement (on file in the City Clerk's office)

cc: Leann Gustafson, Maintenance Superintendent, EBMUD

CITY OF ALAMEDA RESOLUTION NO. \_\_\_\_\_

ALAMEDA REUSE AND REDEVELOPMENT AUTHORITY  
RESOLUTION NO. \_\_\_\_\_

Approved as to Form  
  
City Attorney

AUTHORIZING THE ACTING CITY MANAGER AND THE ACTING EXECUTIVE DIRECTOR TO EXECUTE THE JOINT EXERCISE OF POWERS AGREEMENT TO INSPECT, OPERATE, AND MAINTAIN THE ALAMEDA POINT WATER SYSTEM IN PREPARATION FOR TRANSFER OF POTABLE WATER INFRASTRUCTURE WITH EAST BAY MUNICIPAL UTILITY DISTRICT

WHEREAS, on May 2, 1997, the City of Alameda entered into a Joint Exercise of Powers Agreement (JPA) with the East Bay Municipal Utility District (District) for the operation and maintenance of the water distribution facilities at Alameda Point; and

WHEREAS, the Alameda Point water distribution facilities had not previously been operated or maintained prior to May 2, 1997, by the district nor had they been constructed to the standards used by the District for its water system; and

WHEREAS, the Alameda Point facilities will continue to be the property of the United States Department of the Navy (Navy) and/or the City for the term of the JPA, and any amendments thereto; and

WHEREAS, on or about September 20, 2010, the City and the District executed a Fifth Amended JPA and it is the desire and intention of the parties to enter into the new agreement among the Alameda Reuse and Redevelopment Authority (ARRA), the City, and the District with respect to the services to be provided by the District, and

WHEREAS, the District, the City/ARRA are entering into this JPA to provide interim operations and maintenance services prior to transfer of the potable water infrastructure to the District; and

WHEREAS, the District, the City/ARRA mutually desire to maintain and upgrade the existing infrastructure to District standards and specifications in anticipation of the transfer of the infrastructure; and

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Alameda and ARRA Board authorize the Acting City Manager and the Acting Executive Director to execute the JPA to inspect, operate, and maintain the Alameda Point water system in preparation for transfer of potable water infrastructure with the District.

\* \* \* \* \*

Resolution #2-B  
Joint CC ARRA CIC Meeting  
03-15-11

I, the undersigned, hereby certify that the foregoing Resolution was duly and regularly adopted and passed by the Council of the City of Alameda and the Alameda Reuse and Redevelopment Authority in joint meeting assembled on the 15th day of March, 2011, by the following vote to wit:

AYES:

NOES:

ABSENT:

ABSTENTION:

IN WITNESS, WHEREOF, I have hereunto set my hand and affixed the official seal of said City this 16th day of March, 2011.

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Lara Weisiger, City Clerk  
City of Alameda